

Record of Delegated Non Executive Decisions by Officers

1. Subject of decision

Delegation Reference (Refer to Meeting Minute Number or Officer Delegation Scheme):

Under the Authority's Officer Delegation Scheme, the Director of Regeneration and Economic Development has a specific delegation, namely RED 28 t) which relates, amongst other things, to the making and confirmation of a public path diversion order. RED 28 t) states:

"In consultation with the Assistant Chief Executive to deal with all matters in relation to any proposal to close or divert highways, footpaths and bridleways in accordance with sections 116, 117, 118, 119 and section 25 & 26 [of the Highways Act 1980] (creating footpaths, bridleways and restricted byways)."

A separate general delegation, GD6, allows the Director of Regeneration and Economic Development to exercise powers under section 119A of the Highways Act 1980 for a rail crossing diversion order.

This decision has been delegated to one or more officer(s) under:

(a) A specific express authorisation (provide the date, report and decision of Council, Committee or Sub-Committee etc which delegated this to the specific officer(s))

(b) a general authorisation to take such decisions **and**, the effect of the decision is to:

(i) grant a permission or licence;

(ii) affect the rights of an individual; or

(iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position.

[Insert a cross in the appropriate box(es)]

2. Name and Title of Decision Maker

John Sparkes, Director of Regeneration and Economic Development

3. Details of any Conflict of Interest and any Dispensation granted in respect of such Interest

None

4. Executive summary (To be taken from written report)

The purpose of the report is to seek approval to the making of a public path diversion order and a rail crossing diversion order. The Orders are attached to this report at Appendices 1 and 2 and concern the diversion of sections of two public paths known as “Dudley 1” and “Dudley 2” as described in the Orders and shown on the plan forming part of the Orders.

At the end of the statutory consultation period, if no representations or objections are made to the Orders having been made, the Orders can be confirmed by the Authority after having regard to the matters set out in section 119(1) (as a public path diversion order), and section 119A (as a rail crossing diversion order), of the Highways Act 1980.

Under the Authority’s Officer Delegation Scheme, the Director of Regeneration and Economic Development has a specific delegation, namely RED 28 t) which relates, amongst other things, to the making and confirmation of a public path diversion order. RED 28 t) states:

“In consultation with the Assistant Chief Executive to deal with all matters in relation to any proposal to close or divert highways, footpaths and bridleways in accordance with sections 116, 117, 118, 119 and section 25 & 26 (creating footpaths, bridleways and restricted byways).”

A separate general delegation, GD6, allows the Director of Regeneration and Economic Development to exercise powers under section 119A for a rail crossing diversion order.

5. Alternative options considered

Option 1 – Approve the recommendations in section 1.2 of the report.

Option 2 – Not approve the recommendations in section 1.2 of the report.

6. Decision(s)

The Director of Regeneration and Economic Development has agreed to:

- (1) in consultation with the Assistant Chief Executive, make the Orders at Appendix 1 and Appendix 2 of this report and thereafter take all necessary steps to give notice to the making of the Orders in accordance with the requirements of the Highways Act 1980;
- (2) agree that, if no representations or objections are made to the Orders, to confirm the Orders following the conclusion of the consultation period; and
- (3) note that, if representations or objections are made to the Orders, a further report will be provided to the Director of Regeneration and Economic Development for a decision on subsequent action regarding the Orders.

7. Reasons for the Decision(s)

It is considered expedient that the paths be diverted and it is considered beneficial that the railway level crossing be closed for the reasons set out in the report.

8. Date Decision Made

11 July 2022

To be completed by Democratic Services

9. Date Of Publication

18 July 2022

- This pro forma must be completed and forwarded, together with the accompanying report, to Paul Wheeler in Law and Governance within 2 working days of the decision having been taken.